

## REMARKS

Claims 1-20 are pending in this Application. Applicant has amended claim 8 to define the claimed invention more particularly. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 7 and 8 stand rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Claims 1-20 stand rejected under 35 U.S.C. §1023(a) as being unpatentable over Masuhiro et al. (U.S. 2003/0202648) in view of Peace et al. (US 6,847,634). Claims 1-20 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 5-7, and 14-16 of copending Application No. 10/419,766 by Masuhiro.

Applicant respectfully traverses these rejections in the following discussion.

### I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to an Internet protocol private branch exchange (IPPBX).

The Internet protocol private branch exchange includes a software-based built-in control unit, at least one card slot into which a control card is plugged, and a data bus connecting the software-based built-in control unit and the card slot. The software-based built-in control unit includes a first management unit managing up to a first number of Internet Protocol terminals, and an Internet protocol terminal registering unit connected to the first management unit and the card slot. The control card includes a second management unit managing up to a second number of Internet protocol terminals. The Internet protocol terminal registering unit compares a current number of Internet protocol terminals managed by one of the first management unit and the second management unit with corresponding one of the first number and the second number when an Internet protocol terminal requests communication, the Internet protocol terminal having an identification number and an Internet protocol address. If the current number is smaller than the one number, the Internet

protocol terminal registering unit associates the one management unit with the identification number and the Internet protocol address, and the one management unit manages the Internet protocol terminal. If the current number is equal to the one number, the Internet protocol terminal registering unit associates another of the first management unit and the second management unit with the identification number and the Internet protocol address, and the another management unit manages the Internet protocol terminal.

In a conventional Internet protocol private branch exchange, as described in the Background of the present Application, there are two methods to achieve the management of the Internet Protocol terminals. The two methods include a "card mode" and a "built-in software mode". In an Internet protocol private branch exchange system for the "card mode", an Internet Protocol terminal control card plugged into a card slot manages the Internet Protocol terminals.

However, it is impossible to merely combine an Internet protocol private branch exchange system for the "card mode" with an Internet protocol private branch exchange system for the "built-in software mode", because there is no way to specify the Internet Protocol terminal management unit for the "built-in software mode". Also, when trying to expand Internet protocol phones in an Internet protocol private branch exchange system for the "built-in software mode" and the number of the Internet protocol phones being larger than the capacity of the Internet protocol terminal management unit, an Internet protocol private branch exchange system for the "card mode" must be introduced in place of the Internet protocol private branch exchange system for the "built-in software mode" (e.g., see Application at page 4, lines 2-15).

The claimed invention, however, provides an Internet protocol private branch exchange, an Internet protocol private branch exchange system, and an Internet protocol terminal control program which can support both a card mode and a built-in software mode (e.g., see Application at page 4, lines 22-25).

This feature is important because the Internet protocol private branch exchange has Internet protocol terminal control cards which manage the expanded Internet protocol phones, as well as the Internet protocol phones originally managed by the Internet protocol terminal management unit for the built-in software mode (e.g., see Application at page 4, lines 15-19).

## II. 35 U.S.C. 101 REJECTIONS

In rejecting claims 7 and 8, the Examiner alleges that the claims are directed to non-statutory subject matter.

Applicant amended claim 8 to recite, “*computer-readable medium encoded with a computer program*,” to define the claimed invention more particularly, consistent with the Examiner’s helpful suggestions.

Regarding claim 7, Applicant submits that the claim is directed to a “*system*” not the “*signal*”. Therefore, the signal cited in “terminal transmits a signal to said management unit” is not directed to non-statutory subject matter.

Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

## III. THE DOUBLE PATENTING REJECTION

Claims 1-20 are provisionally rejected under the doctrine of obviousness-type double patenting over claims 1, 5-7, 10, and 14-16 of copending Application No. 10/418,766 (hereinafter ‘766). Applicant submits that claims 1, 5-7, 10, and 14-16 of ‘766 do not teach or suggest the claimed invention.

That is, the claims of the present application are clearly broader in scope, even if claims 1, 5-7, 10, and 14-16 of ‘766 were considered a specific instance. The Examiner has not established obviousness of these claims on the record.

Indeed, claims 1, 5-7, 10, and 14-16 of ‘766 fail to teach or suggest, “*An Internet protocol private branch exchange comprising:*

*a software-based built-in control unit;*

*at least one card slot into which a control card is plugged; and*

*a data bus connecting said software-based built-in control unit and said card slot, wherein said software-based built-in control unit includes:*

*a first management unit managing up to a first number of Internet protocol terminals; and*

*an Internet protocol terminal registering unit connected to said first management unit and said card slot,*

*wherein said control card includes a second management unit managing up to a*

*second number of Internet protocol terminals,*

*wherein said Internet protocol terminal registering unit compares a current number of Internet protocol terminals managed by one of said first management unit and said second management unit with a corresponding one of said first number and said second number when an Internet protocol terminal requests communication, said Internet protocol terminal having an identification number and an Internet protocol address,” as recited in claim 1, and similarly recited in claims 4 and 8 of the present Application.*

Furthermore, the Examiner’s rejection merely recites Applicant’s claim language with vague references to ‘766 (e.g., see Office Action at page 9, lines 5-18). The Examiner, however, has not explained how ‘766 applies to each and every feature of the claimed invention. Applicant requests the Examiner to provide an explanation of how the teachings of ‘766 apply to each and every feature of the claimed invention. That is, the Examiner is specifically requested to point out the features of ‘766 (including reference number and specific passage) that the Examiner is analogizing to the features of the claimed invention.

Indeed, the ‘766 claims fail to teach or suggest, “*wherein said Internet protocol terminal registering unit compares a current number of Internet protocol terminals managed by one of said first management unit and said second management unit with a corresponding one of said first number and said second number when an Internet protocol terminal requests communication, said Internet protocol terminal having an identification number and an Internet protocol address,*

*wherein, if said current number is smaller than said one number, said Internet protocol terminal registering unit associates said one management unit with said identification number and said Internet protocol address, and said one management unit manages said Internet protocol terminal, and*

*wherein, if said current number is equal to said one number, said Internet protocol terminal registering unit associates another of said first management unit and said second management unit with said identification number and said Internet protocol address, and said another management unit manages said Internet protocol terminal,” as recited in claim 1, and similarly recited in claims 4 and 8 of the present Application.*

Indeed, claims 1, 5-7, 10, and 14-16 of ‘766 disclose, “*An Internet Protocol compliant private branch electronic exchange which conducts switching control of terminals falling*

*under its control, the terminals including, at least, Internet Protocol compliant phones which may connect to the Internet, an intranet, or a Local Area Network (LAN), and an Internet Protocol terminal adapter which accommodates terminals not compliant with Internet Protocol and attaches Internet Protocol to the terminals, the private branch electronic exchange comprising: a call control data master table which is provided on a multimedia gateway controller performing call-control-processing tasks and retains call control data for the terminals falling under the control of the exchange; a plurality of terminal interfaces connected to either a system bus or an expansion system bus of said multimedia gateway controller; call control data slave tables which are provided respectively on each of said plurality of terminal interfaces and retain the copy of a portion of said call control data master table; and a unit for copying the call control data for the terminals controlled by a terminal interface, which has failed to perform procedures for call control for, at least, the terminals falling under its control during operation, from said call control data master table to the call control data slave table on another terminal interface,” as recited in independent claim 1 of ‘766.*

Since claims 1, 5-7, 10, and 14-16 of ‘766 fail to teach or suggest claims of the present Application, the claims of the present application are patentably distinct from claims the ‘766 application.

Therefore, Applicant respectfully submits that ‘766 does not teach or suggest (or claim) each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to reconsider or withdraw this rejection.

#### **IV. THE PRIOR ART REJECTION**

In rejecting claims 1-20, the Examiner alleges that one of ordinary skill in the art would have combined Masuhiro et al. with Peace et al. to render obvious the claimed invention.

While Applicant completely disagrees with the Examiner prior art rejection, to speed prosecution, Applicant files herewith a verified translation of the priority document to perfect the priority date/claim and to remove Masuhiro et al. as a reference. Thus, the rejection of claims is rendered moot.

Therefore, the Examiner is respectfully requested to reconsider or withdraw this

rejection.

**V. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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Farhad Shir  
Farhad Shir, Ph.D.  
Registration No. 59,403

Sean M. McGinn, Esq.  
Registration No. 34,386

**MCGINN INTELLECTUAL PROPERTY  
LAW GROUP, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, Virginia 22182-3817  
(703) 761-4100  
Customer No. 21254